

**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR**

BEFORE

HON'BLE SHRI JUSTICE VIVEK JAIN

ON THE 16th OF JUNE, 2025

WRIT PETITION NO. 20035 of 2025

AMIT SINGH BAGHEL

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Rahul Mishra – Advocate for the petitioner.

Shri Yogesh Dhande – Govt. Advocate for the respondents /State.

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ORDER

The present petition has been filed putting to challenge the order dated 26.05.2025 (Annexure P-8) whereby the services of the petitioner have been terminated on the ground that he has failed to acquire the mandatory qualification of CPCT (Computer Proficiency Certification Test) despite 9 years from entry in service.

2. Learned counsel for the petitioner has vehemently argued that the petitioner was initially appointed on the post of Assistant Grade –III vide order (Annexure P-1) dated 21.07.2016 and there was no condition in the appointment order to obtain CPCT qualification. Therefore, the petitioner could not have been asked to obtain the CPCT qualification and his services could not be terminated for want of obtaining CPCT qualification. On this count, the termination order (Annexure P-8) is assailed.

3. *Per contra*, learned counsel for the State has vehemently argued that as per circular (Annexure P-2) dated 01.07.2013 the CPCT qualification is a mandatory requirement so also by force of subsequent circular dated 18.08.2015. It is therefore argued that the petitioner was under obligation to acquire CPCT Diploma within three years of entry in service which he failed to do and therefore, the termination order is fully valid and proper.

4. Upon hearing learned counsel for the parties and perusal of record, it is seen that petitioner claims exemption from the Computer Proficiency Test on the ground that he has acquired qualification of B.E. in Computer Science and Engineering. Therefore, he can be said to have sufficient proficiency in computer. As per appointment order (Annexure P-1) Clause 10 related to mandatory condition of the employee obtaining typing examination and one computer certificate course out of the 5 courses as mentioned in Clause 10 thereof. Clause 10 of appointment order is as under:-

"10. नियमित स्थापना में सहायक ग्रेड-3 के पद पर नियुक्त किये गये उक्त कर्मचारी को म०प्र० शीघ्रलेखन तथा मुद्रलेखन बोर्ड से मुद्रलेखन परीक्षा उत्तीर्ण करने का प्रमाण पत्र तथा निम्नलिखित में से किसी मान्यता प्राप्त संस्था से कम्प्यूटर परीक्षा उत्तीर्ण करना अनिवार्य होगा-

- (अ) यूजीसी द्वारा मान्यता प्राप्त सनरत विश्वविद्यालयों से डिप्लोमा
- (ब). यूजीसी द्वारा मान्यता प्राप्त समस्त मुक्त विश्वविद्यालयों से डिप्लोमा
- (स). डी ओ ई ए सी सी से डिप्लोमा लेवल परीक्षा
- (द). शासकीय आई.टी.आई. द्वारा एकवर्षीय कम्प्यूटर ऑपरेटर एवं प्रोग्रामिंग असिस्टेंट" (COPA) प्रमाण पत्र।
- (ई). शासकीय पॉलीटेक्निक महाविद्यालय से माडर्न ऑफिस मैनेजमेंट पाठ्यक्रम।

उक्त परीक्षा अभ्यर्थी को तीन वर्ष के अंदर उत्तीर्ण करना अनिवार्य होगा अन्यथा नियुक्ति आदेश निरस्त माना जावेगा इस हेतु अलग से समय सीमा बढ़ाया जाना संभव नहीं होगा।”

5. The petitioner can be said to have sufficient computer proficiency because he has obtained the Degree of Engineering in Computer Science and Engineering. However, the requirement as per Clause-10 of the appointment order was twin. Firstly, to obtain typing examination certificate and to obtain computer qualification. While the petitioner can be said to have sufficient computer proficiency by obtaining degree in Engineering in Computer Science but so far as the Hindi typing part is concerned, qualification in Computer Engineering cannot lead to inference that the petitioner has qualified Hindi typing as well. This Court has considered the issue in detail in WP No.27333/2024 in case of an employee who succeeded to obtain CPCT qualification but after the time limit of three years granted by the State and his increments were postponed for that reason. This Court has held as under:-

“7. It is undisputed that petitioner has been appointed on clerical post which was earlier known as Lower Division Clerk (LDC) and subsequently re-designated as Assistant Grade –III (AG-III). For clerical post Hindi Typing Examination used to be the requisite qualification but subsequently, the State took note of the fact that in Government functioning more and more use of computers is taking place and the person needs to be well versed in computer typing as well as in operating the computer. For that purpose, the State Government Department of GAD vide circular dated 01.07.2013 did away with the requirement of Hindi Typing Examination and in its place, put in place requirement of computer typing qualification with 30 words per minute speed in Hindi typing from M.P.Vyavasayik

Pariksha Mandal. Subsequently vide circular dated 26.02.2015 (Annexure R-1) the said requirement was modified and in place of computer typing proficiency, the requirement of Computer Proficiency Certification Test (CPCT) was put in place which is composite test of computer proficiency and typing. Para-1 of circular (Annexure R-1) reads as under:-

"सामान्य प्रशासन विभाग के उपरोक्त संदर्भित परिपत्र दिनांक 01 जुलाई, 2013, द्वारा हिन्दी मुद्रलेखन परीक्षा की अनिवार्यता को समाप्त करते हुए मध्यप्रदेश व्यावसायिक परीक्षा मण्डल से 30 शब्द प्रतिमिनिट की गति से कम्प्यूटर टायपिंग दक्षता प्रमाण पत्र को अनिवार्य किया गया था। उक्त प्रावधान को संशोधित करते हुए व्यापम के स्थान पर विज्ञान एवं प्रौद्योगिकी विभाग द्वारा आयोजित कम्प्यूटर दक्षता प्रमाणीकरण परीक्षा Computer Proficiency Certification Test (CPCT) प्रमाण पत्र (स्कोर कार्ड) को मान्य किया जाता है।"

8. The certificate of CPCT (Annexure P-7) also makes it clear that CPCT certification is having two components i.e. computer proficiency as well as Hindi typing and English typing. The petitioner vide certificate (Annexure P-7) has qualified computer proficiency and Hindi typing as well as English typing.

9. This Court posed a query to learned counsel for the petitioner that whether he is having a separate qualification of Hindi typing, if he wants that his DCA certificate should be treated to be sufficient. The learned senior counsel for the petitioner was unable to state that the petitioner has separately obtained any Hindi typing certificate or qualification.

10. The petitioner was appointed on compassionate grounds. At the relevant point of time the compassionate appointment policy of the State Government dated 29.09.2014 was in place which is still in

vogue. The petitioner is admittedly was appointed on 29.01.2016 which is after the compassionate policy dated 29.09.2014 and after issuance of circular (Annexure R-1) dated 26.02.2015. The compassionate appointment policy dated 29.09.2014 mentions as under in para-6.5:-

“दिवंगत शासकीय सेवक के आश्रित को सहायक ग्रेड-3 के पद अनुकंपा नियुक्ति के लिये कम्प्यूटर डिप्लोमा तथा कम्प्यूटर टायपिंग दक्षता प्रमाण पत्र परीक्षा प्राप्त संस्था से उत्तीर्ण किये जाने हेतु 3 वर्ष का समय दिया जावेगा । तीन वर्ष में भी वांछित परीक्षाएं उत्तीर्ण न करने पर संबंधित कर्मचारी द्वारा परीक्षाएं उत्तीर्ण करने के प्रयासों और टायपिंग क्षमता जो अर्जित की गई हो, को देखते हुए नियोक्ता अधिकारी द्वारा एक वर्ष की अवधि और बढ़ाई जा सकती है। इस अवधि के व्यतीत होने पर भी संबंधित कर्मचारी द्वारा वांछित परीक्षाएं उत्तीर्ण न करने पर उनकी सेवाएं समाप्त की जा सकेंगी।”

11. As per the aforesaid para-6.5, it is clearly provided that for all dependants of Government servant who are appointed on the post of Assistant Grade-III on compassionate grounds, computer diploma and computer typing proficiency certificate are essential for which the time of three years will be given and the said time limit can be extended by a period of one year by the appointing authority and in default of the employee acquiring the qualification within four years, then his services are liable to be terminated. The petitioner admittedly did not obtain CPCT certification within four years but obtained it more than six years after his appointment. Therefore, sufficient indulgence has been given to the petitioner by the State Government by retaining him in service and granting him repeated opportunity to qualify CPCT certification. He having been allowed to save his appointment cannot

now claim increments from the first date of appointment as he did not have the requisite qualification for the post on that date.”

6. In the present case also, learned counsel for the petitioner was unable to indicate whether the petitioner has separately obtained any Hindi typing qualification. If he had qualified CPCT then he would have obtained Hindi typing qualification also as it is a composite qualification. However, he has not qualified CPCT nor has qualified any Hindi typing test separately.

7. Faced with this situation, learned counsel for the petitioner was asked that in terms of judgment of this Court in case of **Virat Dev Singh Vs. State of M.P and Ors. (WP No.16770/2022)** whether the petitioner is willing to get himself considered for Class-IV post having failed to obtain CPCT qualification or even Hindi Typing examination. The petitioner was however unwilling for this. Resultantly, finding no merits in the writ petition, the same fails and is hereby **dismissed**.

(VIVEK JAIN)
JUDGE

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